

## Message Text

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PAGE 01 BRASIL 06703 251900Z  
ACTION JUSE-00

INFO OCT-01 ARA-14 ISO-00 AID-05 L-03 /023 W  
-----110965 251907Z /15

P 251530Z AUG 78  
FM AMEMBASSY BRASILIA  
TO SECSTATE WASHDC PRIORITY 8775  
INFO AMCONSUL RIO DE JANEIRO

UNCLAS BRASILIA 6703

DEPT PLS PASS TO DR. BRUNO RISTAU  
CIVIL DIVISION, DEPARTMENT OF JUSTICE

INFO AID WASHDC

E.O. 11652: N/A  
TAGS: ACLM  
SUBJECT: LAWSUIT AGAINST THE U.S. GOVERNMENT BY RICHARD ALLISON  
CLAYTON  
CONCERNING AID CONTRACT 12-658 OF NOVEMBER 1, 1970

REF: 2 FAM 284

1. ON AUGUST 21, 1978, THE EMBASSY RECEIVED FOREIGN MINISTRY  
NOTE DJ/DCS/78/711.0 (B46)(B13) DATED AUGUST 18, 1978  
TRANSMITTING AN OFFICIAL SUMMONS ISSUED BY THE SECOND FEDERAL  
DISTRICT COURT OF BRASILIA ON JUNE 20, 1978. THE SUMMONS WAS  
EXTRACTED FROM LAWSUIT NUMBER 652/FC, A CIVIL SUIT DEMANDING  
PAYMENT OF FUNDS DUE WITH RICHARD ALLISSON CLAYTON AS PLAINTIFF  
AND THE U.S. GOVERNMENT AS DEFENDANT OF FILE WITH THE SEVENTH  
FEDERAL DISTRICT COURT IN RIO DE JANEIRO. THE SUMMONS ORDERS  
THE LEGAL REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES  
TO RESPOND TO CIVIL SUIT AT THE SEVENTH FEDERAL DISTRICT  
COURT IN RIO DE JANEIRO. NORMAL BRAZILIAN LEGAL PROCEDURE REQUIRES  
A RESPONSE WITHIN FIFTEEN DAYS.

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2. ACCORDING TO THE EXCERPTS ATTACHED TO THE SUMMONS,  
RICHARD ALLISON CLAYTON'S SUIT CONCERNS THE SETTLEMENT OF  
THE AID CONTRACT 12-658 MADE IN RIO DE JANEIRO ON NOVEMBER  
1, 1970 FOR JANITORIAL, ADMINISTRATIVE AND CAFETERIA OPERATION  
SERVICE TO AID. THE AID AFFAIRS OFFICE IN BRASILIA HAS  
MINIMAL RESIDUAL FILES REGARDING BACKGROUND INFORMATION  
ON THE DISPUTE WITH MR. CLAYTON OVER THIS CONTRACT, BUT THE

COLLECTIVE MEMORY RECALLS THAT MR. CLAYTON RECEIVED ADVANCE PAYMENTS UNDER A COST REIMBURSEMENT CONTRACT, THAT HE DID NOT PROPERLY DOCUMENT HIS EXPENSES AGAINST THE ADVANCE, THAT AN AID AUDIT OF HIS ACCOUNTING UNDER THE CONTRACT DECIDED TO WITHHOLD FUNDS EQUIVALENT TO THE SHORTAGE FROM SUBSEQUENT PAYMENTS UNDER THE CONTRACT, AND THAT MR. CLAYTON DID NOT AGREE TO THE WITHHOLDING PROCEDURE. BECAUSE OF THE AID PHASE OUT IN BRAZIL, MOST FILES RELATING TO THE CONTRACT AND A SUMMARY OF THE AUDIT FINDINGS HAVE BEEN RETIRED TO AID/W UNDER REGISTRY NUMBERS 3420769 THROUGH 3420775 WITH TRANSMITTAL MEMO DATED JUNE 6, 1977 AND REGISTRY NUMBERS 2646931 THROUGH 2646954 WITH TRANSMITTAL MEMO DATED MAY 3, 1976. THE SUMMONS ALSO MENTIONS THE EARLY, UNJUSTIFIED TERMINATION OF A SECOND AID CONTRACT, NUMBER 12-718 OF NOVEMBER 1, 1972.

3. THE EMBASSY WILL TRANSLATE THE CITATION WITH ATTACHMENTS AND FORWARD THEM TO THE DEPARTMENT AND AMCONSUL RIO DE JANEIRO BY AIRGRAM. IN THE MEANTIME, THE EMBASSY RECOMMENDS THAT AN ATTORNEY BE IMMEDIATELY AUTHORIZED TO REPRESENT THE U.S. GOVERNMENT BEFORE THE SEVENTH FEDERAL DISTRICT COURT IN RIO DE JANEIRO TO DETERMINE THE DETAILS OF THE SUIT AND FILE FOR AN EXTENSION OF TIME.  
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## Message Attributes

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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
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**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014